

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

OPTIS WIRELESS TECHNOLOGY, LLC,	§	
OPTIS CELLULAR TECHNOLOGY, LLC,	§	
PANOPTIS PATENT MANAGEMENT,	§	CIVIL ACTION NO. 2:19-CV-00066-JRG
LLC, UNWIRED PLANET, LLC,	§	
UNWIRED PLANET INTERNATIONAL	§	
LIMITED,	§	
	§	
	§	
Plaintiffs,	§	
	§	
v.	§	
	§	
APPLE INC.,	§	
	§	
	§	
Defendant.	§	

ORDER

Before the Court is Plaintiffs’ Motion for an Order Requiring Apple to Produce Expert Records (the “Motion”). (Dkt. No. 193.) In the Motion, Plaintiffs Optis Wireless Technology, LLC; Optis Cellular Technology, LLC; Unwired Planet International Limited; and PanOptis Patent Management, LLC (collectively, “Optis”) request:

an Order requiring Apple Inc. (“Apple”) to produce the following: (1) billing records of its experts in this matter and of individuals who have worked with its experts in this matter, evidencing the payments they have historically received from Apple or are due to receive from Apple; (2) the source-code-review log in this matter, which each PanOptis witness who went to review source code had to sign and therefore keeps a definitive record of the amount of time spent reviewing source code; (3) records sufficient to identify the date and length of the video conferences the experts claim to have had with Intel fact witnesses; (4) the expert reports from other actions Apple’s experts have submitted on Apple’s behalf, with third-party information redacted.

(Dkt. No. 193 at 1.) In Apple Inc.’s (“Apple”) Opposition to Plaintiffs’ Motion for an Order Requiring Apple to Produce Expert Records, and Contingent Motion to Compel Certain Reciprocal Information (the “Response”), Apple requests that if the Court grants the Motion, then “the Court

should require that *both* parties produce expert billing information and prior expert reports on an equal, reciprocal basis.” (Dkt. No. 220 at 1 (emphasis in original); *see also id.* at 6.) Having considered the Motion and the Response, the Court is of the opinion that it should be **GRANTED-IN-PART** and **DENIED-IN-PART** as follows:

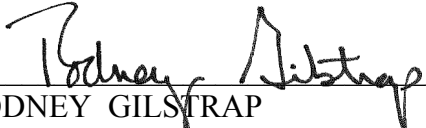
- The Court **ORDERS** that Apple produce the total composite gross dollar amount billed by each expert for Apple, through any and all counsel for Apple, for all matters in which Apple is or was a named party;
- The Court further **ORDERS** that Optis¹ produce the total composite gross dollar amount billed or invoiced by each expert for Optis to Irell & Manella LLP and/or McKool Smith, P.C. and related to litigation in which Apple Inc. is named as a party;
- All productions of total composite billed or invoiced amounts are to include (1) gross billings during 2019, (2) gross billings year-to-date for 2020, and (3) a composite of all billings (i.e., a total dollar amount billed) over the last five years, from June 1, 2015 through May 31, 2020. Further, these three composite numbers are to be provided individually for each expert in the above-captioned case;
- All other relief requested and not explicitly granted herein is **DENIED**.

Also before the Court are Plaintiffs’ Unopposed Motion for Leave to File a Reply in Support of Plaintiffs’ Motion for an Order Requiring Apple to Produce Expert Records (Dkt. No. 233) and Apple Inc.’s Unopposed Motion to File Sur-Reply in Further Opposition to Plaintiffs’ Motion for an Order Requiring Apple to Produce Expert Records (Dkt. No. 283) (collectively, the “Motions for Leave”). Having considered the Motions for Leave, the Court is of the opinion that

¹ As defined above, “Optis” includes Plaintiffs Optis Wireless Technology, LLC; Optis Cellular Technology, LLC; Unwired Planet International Limited; and PanOptis Patent Management, LLC.

they should be and hereby are **DENIED**. It is therefore **ORDERED** that Plaintiffs' Reply in Support of Plaintiffs' Motion to Compel Production of Billing Records and Response to Apple Inc.'s Motion to Compel Billing Records (Dkt. No. 234) and Apple Inc.'s Sur-Reply in Further Opposition to Plaintiffs' Motion for an Order Requiring Apple to Produce Expert Records (Dkt. No. 284) be **STRUCK** from the record.

So ORDERED and SIGNED this 17th day of July, 2020.



RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE